

House File 420 - Introduced

HOUSE FILE _____
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 80)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning civil service commissions, disciplinary
2 procedures, and residency requirements for civil service
3 employees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1634HV 83
6 md/rj/5

PAG LIN

1 1 Section 1. Section 400.1, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. In cities having a population of eight thousand or over
1 4 and having a paid fire department or a paid police department,
1 5 the mayor, one year after a regular city election, with the
1 6 approval of the council, shall appoint three civil service
1 7 commissioners ~~who. The mayor shall publish notice of the~~
1 8 ~~names of persons selected for appointment no less than thirty~~
1 9 ~~days prior to a vote by the city council. Commissioners shall~~
1 10 hold office, one until the first Monday in April of the second
1 11 year, one until the first Monday in April of the third year,
1 12 and one until the first Monday in April of the fourth year
1 13 after such appointment, whose successors shall be appointed
1 14 for a term of four years. In cities having a population of
1 15 more than seventy thousand, the city council may establish, by
1 16 ordinance, the number of civil service commissioners at not
1 17 less than three.

1 18 Sec. 2. Section 400.2, Code 2009, is amended to read as
1 19 follows:

1 20 400.2 QUALIFICATIONS == ~~CONFLICT OF INTEREST PROHIBITED~~
1 21 ~~CONTRACTS.~~

1 22 1. The commissioners must be citizens of Iowa, eligible
1 23 electors as defined in chapter 39, and residents of the city
1 24 preceding their appointment, and shall serve without
1 25 compensation. A person, while on the commission, shall not
1 26 hold or be a candidate for any office of public trust.
1 27 However, when a human rights commission has been established
1 28 by a city, the director of the commission shall ex officio be
1 29 a member, without vote, of the civil service commission.

1 30 2. Civil service commissioners, with respect to the city
1 31 in which they are commissioners, shall not do any of the
1 32 following:

1 33 a. ~~sell~~ Sell to, or in any manner become parties, directly
1 34 or indirectly, to any contract to furnish supplies, material,
1 35 or labor to the city ~~in which they are commissioners except as~~
2 1 ~~provided in section 362.5.~~

2 2 b. Have an interest, direct or indirect, in any contract
2 3 or job of work or material or the profits thereof or services
2 4 to be furnished or performed for the city.

2 5 3. A contract entered into in violation of subsection 2 is
2 6 void.

2 7 4. ~~A violation of this conflict of interest provision the~~
2 8 ~~provisions contained in subsection 2 is a simple misdemeanor.~~

2 9 Sec. 3. Section 400.9, subsection 2, Code 2009, is amended
2 10 to read as follows:

2 11 2. The commission shall establish guidelines for
2 12 conducting the examinations under subsection 1. It may prepare
2 13 and administer the examinations or may hire persons with
2 14 expertise to do so if the commission approves the examinations
2 15 and if the examinations apply to the position in the city for
2 16 which the applicant is taking the examination. It may also
2 17 hire persons with expertise to consult in the preparation of

2 18 such examinations if the persons so hired are employed to aid
2 19 personnel of the commission in assuring that a fair
2 20 examination is conducted. A fair examination shall explore the
2 21 competence of the applicant in the particular field of
2 22 examination. The names of persons approved to administer any
2 23 examination under this section shall be posted in the city
2 24 hall at least twenty-four hours prior to the examination.

2 25 Sec. 4. Section 400.11, unnumbered paragraph 5, Code 2009,
2 26 is amended to read as follows:

2 27 When there is no such preferred list or certified eligible
2 28 list, or when the eligible list shall be exhausted, the person
2 29 or body having the appointing power may temporarily fill a
2 30 newly created office or other vacancy only until an
2 31 examination can be held and the names of qualified persons be
2 32 certified by the commission, and such temporary appointments
2 33 are hereby limited to ninety days for any one person in the
2 34 same vacancy, but such limitation shall not apply to persons
2 35 temporarily acting in positions regularly held by another. A
3 1 temporary appointment to a position regularly held by another
3 2 shall, whenever possible, be made according to the certified
3 3 eligible list. Any person temporarily filling a vacancy in a
3 4 position of higher grade for twenty days or more, shall
3 5 receive the salary paid in such higher grade.

3 6 Sec. 5. Section 400.17, unnumbered paragraphs 3 and 4,
3 7 Code 2009, are amended to read as follows:

3 8 Employees shall not be required to be a resident of the
3 9 city in which ~~they the employees~~ are employed, ~~but they shall~~
3 10 ~~become a resident of the state at the time such appointment or~~
3 11 ~~employment begins and shall remain a resident of the state~~
3 12 ~~during employment.~~ Cities However, cities may set a
3 13 reasonable maximum distances distance outside of the corporate
3 14 limits of the city, or a reasonable maximum travel time, that
3 15 police officers, fire fighters, and other critical municipal
3 16 employees may live from their place of employment.

3 17 A person shall not be appointed, promoted, discharged, or
3 18 demoted to or from a civil service position or in any other
3 19 way favored or discriminated against in that position because
3 20 of political or religious opinions or affiliations, race,
3 21 national origin, sex, or age, or in retaliation for the
3 22 exercise of any right enumerated in this chapter. However,
3 23 the maximum age for a police officer or fire fighter covered
3 24 by this chapter and employed for police duty or the duty of
3 25 fighting fires is sixty-five years of age.

3 26 Sec. 6. Section 400.18, Code 2009, is amended to read as
3 27 follows:

3 28 400.18 REMOVAL, DEMOTION, OR SUSPENSION.

3 29 1. ~~No~~ A person holding civil service rights as provided in
3 30 this chapter shall not be removed, demoted, or suspended
3 31 arbitrarily, except as otherwise provided in this chapter, but
3 32 may be removed, demoted, or suspended after a hearing by a
3 33 majority vote of the civil service commission, for neglect of
3 34 duty, disobedience, misconduct, or failure to properly perform
3 35 the person's duties.

4 1 2. The party alleging neglect of duty, disobedience,
4 2 misconduct, or failure to properly perform a duty shall have
4 3 the burden of proof.

4 4 3. A person subject to a hearing has the right to be
4 5 represented by counsel at the person's expense or by the
4 6 person's authorized collective bargaining representative.

4 7 Sec. 7. Section 400.26, Code 2009, is amended to read as
4 8 follows:

4 9 400.26 PUBLIC TRIAL.

4 10 The trial of all appeals shall be public, and the parties
4 11 may be represented by counsel or by the parties' authorized
4 12 collective bargaining representative.

4 13 EXPLANATION

4 14 This bill makes several changes to the civil service law.
4 15 The bill specifies what contracting activities of
4 16 commissioners are prohibited.

4 17 The bill requires the names of persons administering any
4 18 appointment or promotion examination to be posted in the city
4 19 hall prior to the examination. The bill also requires an
4 20 appointing authority to use the list of qualified candidates
4 21 for temporary appointments whenever possible.

4 22 Under current law, an employee under civil service is
4 23 required to be a resident of the state. The bill eliminates
4 24 the state residency requirement for civil service employees.
4 25 The bill authorizes cities to set reasonable maximum travel
4 26 times that police officers, fire fighters, and other critical
4 27 employees may live from their place of employment, in addition
4 28 to the cities' current authority to set reasonable maximum

4 29 distances that such employees may live outside of the
4 30 corporate limits of the city.

4 31 The bill prohibits retaliation against any individual based
4 32 upon the exercise of any right enumerated in Code chapter 400.
4 33 The bill specifies that the burden of proof is on the employer
4 34 to prove neglect of duty, disobedience, misconduct, or failure
4 35 to perform a duty.

5 1 The bill specifies who may represent an employee during a
5 2 hearing or trial.

5 3 LSB 1634HV 83

5 4 md/rj/5